

**RULES
OF
THE TENNESSEE BOARD OF REGENTS
STATE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF TENNESSEE**

SYSTEMWIDE ADMINISTRATIVE RULES

**CHAPTER 0240-1-1
USE OF CAMPUS PROPERTY AND FACILITIES**

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0240-1-1-.01 PURPOSE. The purpose of this policy is to provide a uniform basis upon which the institutions and area vocational-technical schools governed by the Tennessee Board of Regents can regulate the use of campus property and facilities by affiliated and non-affiliated groups, organizations and individuals. The policy is intended to provide a system of regulations calculated to promote the orderly conduct of activities on campus property and in campus facilities; to prevent interruption of or interference with normal missions, processes and functions of the institutions and schools; to promote an educational rather than commercial atmosphere on campus; to prevent commercial exploitation of students; to preserve residential tranquility and to prevent use of campus property and facilities contrary to federal, state or local law or regulations, or policies or regulations of the Board of Regents, or the institutions and schools.

Authority: T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed August 28, 1984; effective November 13, 1984. Amendment filed June 1, 1990; effective September 26, 1990.

0240-1-1-.02 GENERAL REGULATIONS.

- (1) For the purpose of these regulations, the following definitions shall apply:
 - (a) "Student" - a person who is registered for a credit course or a non-credit course program at the institution or school, including any such person during any period which follows the end of an academic period which the student has completed until the last day for registration for the next succeeding regular academic period.
 - (b) "Guest" - a person invited by a student, official or employee of the institution or school to visit the campus at a specific time and place.
 - (c) "Affiliated Group or Organization" - an officially registered student group or organization, or a group or organization funded by and/or sponsored by the institution or school, or a group or organization of faculty or other employees of the institution or school approved by the president or area school director. The term shall include any alumni association, booster club, etc., which is organized and operated for the benefit of the institution or school.
 - (d) "Non-Affiliated Group or Organization" - any group or organization which is not an "affiliated group or organization."

(Rule 0240-1-1-.02, continued)

- (e) "Affiliated individuals" - persons connected with the institution or school, including the institution's or school's students, faculty, staff, guest and invitees.
 - (f) "Non-Affiliated Individual" - any person who is not an "affiliated individual."
- (2) Access to Campuses.
 - (a) The campuses and facilities of the institutions and schools are restricted to students, faculty, staff, and guests of the institutions or schools, except when part or all of a campus, its buildings or facilities are open to the general public for a designated time and purpose, or when used by non-affiliated groups, organizations or individuals has been granted or approved pursuant to the provisions of this policy or the policy of the individual institution or school.
 - (b) All persons on the campus of any institution or school shall be subject to all rules and regulations of the institution or school, and the Board which are applicable to the conduct of students on campus, and to all applicable federal and state laws and regulations. In addition, all persons who operate motor vehicles on the campus of any institution or school agree by such operation to be subject to institution or school, and Board rules, regulations, policies and procedures on traffic and parking.
 - (c) All persons on the campus of any institution or school shall provide adequate identification upon request to appropriate officials and security personnel of the institution or school. Personnel and students of the institution or school who refuse to provide such identification may be subject to disciplinary action. Other persons who refuse to provide such identification shall be requested to leave the campus, and if they refuse, may be subject to lawful removal and prosecution.
- (3) General Conditions for Use of Property or Facilities
 - (a) Use of campus property and facilities, pursuant to prior approval as hereinafter required for meetings or other activities, is subject to limitations on the number of persons who may attend in accordance with appropriate building and fire codes and safety standards.
 - (b) Regulations of the individual institutions and schools which relate to the conduct of assemblies, meetings and demonstrations of affiliated groups, organizations and individuals shall apply to assemblies, meetings and demonstrations of non-affiliated groups, organizations and individuals.
 - (c) Sound amplification equipment may be used by groups, organizations and individuals at assemblies, meetings and demonstrations only when prior approval has been granted by the appropriate official of the institution or school; provided, however, that such sound amplification is subject to reasonable regulation by the institution or school with respect to time, place, manner and volume.
 - (d) Institution or school equipment may be used in connection with the use of campus property and facilities only with the approval of, or under the supervision of, approved institution or school personnel.
 - (e) Each institution and school shall establish a system whereby affiliated groups, organizations and individuals are given priority in the use of property and facilities. This system may result in a request for use submitted by a non-affiliated group, organization or individual being held in excess of the seven (7) day period referred to in rule 0240-1-1-.03(3). Such requests will be held and considered in the order received. The decision

(Rule 0240-1-1-.02, continued)

to grant or deny the requests will be made at least ten (10) working days prior to the date of the requested use.

- (f) Campus property and facilities may not be used by any non-affiliated group, organization or individual for the conduct of profit-making activities except when a rental or lease agreement is negotiated and the institution or school receives a fair rental value for the property or facilities used. Rental or lease agreements may be required for non-profit activities of non-affiliated groups, organizations or individuals provided that rental charges for such use may be reduced or waived in the discretion of the institution or school depending upon the nature and extent of the proposed use.
- (g) Rental rates may include the fair market value of providing the property or facilities which may include overhead, depreciation, maintenance and security expenses. Rental charges may be based in part upon a fixed percentage of the gross receipts of the activity with a minimum rental charge for use of the facilities.
- (h) All rental or lease agreements between the institution or school and non-affiliated groups, organizations, or individuals must be approved by the Chancellor of the Board of Regents, or his or her designee if such agreement deviates from Guideline G-030, a copy of which may be obtained at the Tennessee Board of Regents' office.
- (i) In utilizing campus property or facilities, non-affiliated groups, organizations and individuals shall provide: 1) adequate bond or other security for damage to the property or facilities during the period of the use; 2) personal injury and property damage insurance coverage; 3) a performance bond or insurance guaranteeing or insuring performance of its obligations under the contract; and, 4) other types of insurance in such amounts as are designated by the institution or school; provided, that the institution or school may waive the requirements of security, performance bond or insurance coverage.
- (j) All non-affiliated groups, organizations and individuals agree, by making application for registration of an activity and by subsequent use after approval by the institution or school, to indemnify the institution or school and hold it harmless from any and all liabilities arising out of such group's, organization's or individual's use of property and/or facilities of the institution or school, including, but not limited to, personal injury, property damage, court costs and attorneys fees.
- (k) Affiliated groups, organizations and individuals may be assessed the cost of providing maintenance and/or security required as a result of their use of campus property or facilities.

Authority: T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed August 28, 1984; effective November 13, 1984. Amendment filed July 29, 1988; effective October 29, 1988. Amendment filed June 1, 1990; effective September 26, 1990. Amendment filed May 13, 1991; effective August 28, 1991.

0240-1-1-.03 GENERAL PROCEDURE - APPLICATION FOR USE OF PROPERTY OR FACILITIES.

- (1) Regular or special meetings of affiliated groups or organizations may be planned and scheduled according to procedures established by this policy, or according to procedures established by the individual institution or school. All other gatherings at a central location on campus property which are sponsored or instigated by affiliated groups, organizations or individuals may be permitted without prior registration only at such times and locations as

(Rule 0240-1-1-.03, continued)

may be designated by the president of the institution or the director of the area school, or his or her designee.

- (2) Any affiliated group, organization or individual desiring to use campus property or facilities at any time, and/or location other than those designated pursuant to paragraph (1) above, and all nonaffiliated groups, organizations or individuals desiring use of campus property or facilities must submit a written application for registration of the proposed activity at least fourteen (14) days in advance (excluding weekends and holidays) to the appropriate official at the institution or school; provided, however, that the president of the institution or director of the area school, or his or her designee, may approve applications for registration filed at a later time upon such official's determination that the use of property requested can be reasonably accommodated and that adequate cause exists for late filing of the application for registration. Approval of late applications shall be within the sole discretion of the president of the institution or the director of the area school, or his or her designee. The decision of such official is final. Applications shall be submitted on a form designated by the chancellor of the Board of Regents, or his or her designee.
- (3) With the exception of the provision found at rule 0240-1-1-.02(3)(e), written notice of approval or disapproval of the proposed use of campus property or facilities shall be made available to the applicant group, organization or individual within seven (7) days (excluding weekends and holidays) from the time an application for registration is submitted to the appropriate official at the institution or school, at the office of the designated official at the institution or school. Notice of disapproval of the proposed use shall include the grounds for disapproval. Notices will not be mailed or delivered; it shall be the responsibility of the applicant to inquire at the office of the designated official as to the decision concerning the application, and the time and location in which the activity is authorized.
- (4) No assembly, meeting, demonstration or other activity shall be authorized or permitted on any property or in any building or facility, and an application for registration may be denied when:
 - (a) A determination by the appropriate official or body of the institution or school is made that the requested use would cause substantial disruption or interference with the normal activities of the institution or school conducted in the course of its lawful mission, processes and functions.
 - (b) A determination is made that the requested use would be contrary to federal, state or local law or regulation, or policies or regulations of the Board of Regents, the institution or school.
 - (c) The applicant or sponsor of the activity has not fully provided accurate or complete information required on the application for registration.
 - (d) The applicant or sponsor of the activity has been responsible for violation of subparagraphs (a), (b) or (c) above during a previously registered use of campus property or facilities, or has violated any conditions or assurances specified in a previous registration application and the institution or school has reasonable cause to believe such violation will reoccur.
 - (e) Approval for use of the property or facilities has previously been given to another group, organization or individual for the time(s) and location(s) requested.
 - (f) Use of the property or facilities requested would be impossible due to set-up time and/or takedown time required for other previously scheduled activities at the

(Rule 0240-1-1-.03, continued)

- requested location immediately before and/or after the requested use, or due to other extenuating circumstances.
- (g) The activity is of such nature or duration that it cannot reasonably be accommodated in the particular area for which application is made, provided that in such event, an alternative on-campus site, if available for the activity, shall be proposed by the institution or school;
 - (h) The activity creates or would create a danger, or dangerous condition impacting on the health, safety, and welfare of others;
 - (i) Such use conflicts or would conflict with existing contractual obligations of the institution or school.
- (5) Any group, organization or individual whose timely application for registration for use of property or facilities of the institution or school is denied for reasons cited in subparagraphs (a), (b), (d) (g), (h), or (i) of paragraph (4) above shall have the right to appeal that denial to the president or area school director, or his or her designee. Notice of appeal shall be made in writing during normal business hours of the institution or school no later than five (5) days (excluding weekends and holidays) prior to the time of the proposed event. The decision of the president or the area school director, or his or her designee, shall be made at least four (4) days before the time of the event.
 - (6) Affiliated and non-affiliated groups, organizations, or individuals may sell or distribute literature only in conjunction with their authorized presence on campus after such proposed sale or distribution has been registered with and approved by the appropriate official of the institution or school as specified in paragraph (2) above. Any application for registration shall include, but not be limited to, the name of the applicant; the name of the organization, if any; the date, time, duration and location of the proposed sale or distribution, and the number of participants, and shall be on a form which has been designated by the Chancellor of the Board of Regents, or his or her designee.
 - (7) Applications for registration by affiliated and non-affiliated groups, organizations or individuals required in paragraph (6) above to distribute or sell literature shall be denied in the event that:
1) a prior application for registration for the same time and location has been made which has been or will be granted; 2) the location is or will be in use for the same time by an affiliated group, organization or individual; 3) the activities would not reasonably permit multiple occupancy of the particular area; 4) the sale or distribution will present a clear and present danger to the public health or safety; 5) the number of persons engaged in the sale or distribution exceeds the number that can reasonably be accommodated in the particular location applied for; or 6) the activity would constitute a violation of applicable law or regulation, or any other provision of this policy.
 - (8) No demonstration, distribution or sale of literature, or solicitation unless otherwise permitted elsewhere by this policy shall be permitted within: 1) classroom, library or other academic buildings or facilities; 2) administrative and employee offices and work areas; or 3) student residence halls, dormitories or apartment buildings. However, an institution or school may permit distribution or sale of literature in designated locations within the lobbies or other general use areas of the above buildings or other campus facilities designated for the placement of literature for distribution or sale.
 - (9) Any group, organization or individual whose application for registration required by paragraph (6) above is denied shall have the right to appeal that denial to the president or area school director, or his or her designee. Notice of appeal shall be made in writing during normal business hours of the institution or school no later than five (5) days (excluding weekends

(Rule 0240-1-1-.03, continued)

and holidays) prior to the time of the proposed sale or distribution. The decision of the president or area school director, or his or her designee, shall be made at least four (4) days before the time of the proposed sale or distribution.

Authority: T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed August 28, 1984; effective November 13, 1984. Amendment filed July 29, 1988; effective October 29, 1988. Amendment filed June 1, 1990; effective September 26, 1990.

0240-1-1-.04 PARTICULAR USES.

(1) Political Use

- (a) The use of campus property or facilities for speaking engagements by candidates for political office or for other political activities whether at the request of an affiliated or non-affiliated group, organization or individual shall be subject to the registration requirements and procedures specified above and shall be subject to the regulations of the institution or school concerning other types of meetings or activities on campus property or in campus facilities.
- (b) When campus property or facilities are used for political purposes, reasonably equal opportunity shall be provided for presentation of all sides or views, or reasonably equal access to the property or facilities shall be provided all sides.
- (c) No campaign posters, signs or other items of campaign or political advertising may be placed on campus property or facilities, except as specified in subparagraphs (d) and (e) below.
- (d) Students may place campaign posters, signs or other items of campaign or political advertising, whether pertaining to a campus or general election within his/her dormitory residence provided such placement is made in such a way as to not damage or destroy campus property.
- (e) Affiliated and non-affiliated groups, organizations or individuals with the exception of state employees may place campaign posters, signs or other items of campaign or political advertising, whether pertaining to a campus or general election, on bulletin boards or other locations on campus specifically designated for such use by the institution or school. Any distribution of such material may be made only subsequent to the registration and approval process.

(2) Religious Use

- (a) Campus property and facilities may be utilized by affiliated groups or organizations for the purpose of religious worship or evangelical activities subject to the specified registration requirements and procedures.
- (b) Non-affiliated groups, organizations and individuals may utilize campus property and facilities on a temporary basis for the purpose of religious worship or evangelical activities subject to the specified registration requirements and procedures.

(3) Literature Distribution or Sale

- (a) Any proposed distribution or sale of literature by an affiliated or non-affiliated group, organization or individual is subject to the specified registration requirements and procedures.

(Rule 0240-1-1-.04, continued)

- (b) Any literature which is, or which is proposed to be, distributed or sold shall comply with all applicable federal, state and local laws and regulations, and with the regulations and policies of the institution or school, and the Board of Regents. No obscene literature or material shall be distributed on any property owned or used by an institution or school. For the purpose of this provision and as defined by Tennessee law, "obscene material" or "obscene literature" shall mean any literature or material that: (a) the average person applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest ("prurient interest" means a shameful or morbid interest in sex) in sex; (b) the average person applying contemporary community standards would find that the work depicts or describes, in a patently offensive way, sexual conduct ("patently Offensive" means that which goes substantially beyond customary limits of candor in describing or representing such matters and "sexual conduct" means representations or descriptions of ultimate sexual acts including sexual intercourse, anal or otherwise, fellatio, cunnilingus or sodomy, normal or perverted, actual or simulated; or descriptions of masturbation, excretory functions, and lewd exhibition of the genitals); and (c) the work, taken as whole, lacks serious literary, artistic, political, or scientific value.
 - (c) No literature, material or other printed matter shall be sold or distributed within: 1) classroom, library or other academic building or facilities; 2) administrative and employee offices and work areas; or 3) student residence halls, dormitories or apartment buildings. However, an institution or school may permit such sale or distribution in designated locations within the lobbies or other general use areas of the above-noted buildings or other campus facilities designated for placement of literature for distribution or sale. Further, this shall not restrict a faculty member from distributing within the classroom non-commercial material related to the particular course or subject matter.
 - (d) Each institution and school shall designate the locations on campus which are available for the sale or distribution of literature. In addition to those areas designated in subparagraph (c), the institution or school shall prohibit the sale or distribution of literature in all areas where such would: 1) cause injury or damage to campus resources; 2) unreasonably impair the academic atmosphere of the campus; 3) unreasonably interfere with the academic program and other activities of the institution or school, or with the administrative functions of the institution or school; or 4) substantially impair the use of facilities or services on the campus, or the flow of vehicular or pedestrian traffic.
 - (e) No person, whether distributor or recipient of literature, shall cause any litter to occur on the campus of an institution or school, and literature shall only be discarded in trash receptacles on campus.
 - (f) Persons engaged in the sale or distribution of printed matter shall not obstruct or impede pedestrians or vehicles, harass other persons with physical contact or persistent demands, misrepresent the purposes or affiliations of those engaged in the sale or distribution, or misrepresent whether the printed matter is available without cost or donation.
 - (g) The institution or school shall have the right to terminate the distribution or sale of literature by any group, organization or individual which violates the provisions of this policy.
- (4) Solicitations

(Rule 0240-1-1-.04, continued)

- (a) Except as is otherwise permitted by this provision, solicitation for purely commercial purposes is prohibited on all property owned or used by an institution or school, provided that solicitations by the institution or school and solicitations by vendors incidental to the vendor providing services on behalf of the institution or school pursuant to a contract between the institution or school and the vendor are permissible. "Solicitation" will not be considered to include activities or events engaged in by affiliated groups, organizations or individuals for the purpose of raising funds to meet expenses of the group, organization or individual. The funds raised by such activities or events shall be used for the benefit of the group, organization or individual, or for charity and no funds shall be distributed to the officers, members, or any individual for personal profit or use. For purposes of this provision the following activities are not prohibited:
 - 1. Advertising, as permitted by this policy;
 - 2. Sale or distribution of commercial literature as permitted by this policy;
 - 3. Conversations or communications between a dorm resident and a properly admitted guest notwithstanding the commercial content of the conversation or communication; provided, however, other dorm residents may not be solicited for the purposes of selling a product or service or enrolling the individual in a contest, program or other commercial venture; or
 - 4. Conversations or communications between a resident of University-owned apartments and a properly admitted guest notwithstanding the commercial content of the conversation or communication, provided the conversations or communications are confined to the specific unit of the resident inviting the guest or other area properly reserved by the resident for such purpose.
- (b) Solicitation and fund-raising activities other than for purely commercial purposes may be conducted on property owned and used by the institution or school by affiliated groups, organizations or individuals, charitable organizations holding such activities with the sponsorship of the institution or school or the state of Tennessee, or non-affiliated groups, organizations or individuals subject to the specified registration requirements and procedures of rule 0240-1-1-.03(2) through (5).
- (c) No solicitation of charitable funds shall be permitted unless the group, organization or individual provides evidence to the institution or school demonstrating that the proposed activity is in accordance with, or exempt from, the provisions of Tenn. Code Ann. §§48-3-501 through 48-3-521.
- (d) Solicitation in conjunction with the distribution of literature is subject to the provisions of rule 0240-1-1-.04(3).
- (e) Solicitation of dues and/or membership in an organization is permissible only by affiliated groups, organizations or individuals.
- (f) Solicitations shall only be permitted in those areas designated by the institution or school pursuant to the conditions of rule 0240-1-1-.04(3)(c) and (d); application for registration of a solicitation may be denied for any of the reasons set forth in rule 0240-1-1-.03(4) and (7); and persons engaged in solicitation shall comply with the provisions of rule 0240-1-1-.04(3)(f).
- (g) No funds solicited on campus property shall inure to the benefit of any individual unless contributions are requested for the relief of an individual specified by name at the time

(Rule 0240-1-1-.04, continued)

of solicitations, and all funds contributed are turned over to the named beneficiary for his or her use without any deductions whatsoever.

- (h) An institution or school may require any group, organization or individual to verify the use, application or disposition of funds solicited on campus property.

(5) Advertising

- (a) No advertising signs, posters, or other material may be placed on any campus property or facility by any non-affiliated group, organization or individual; except that institutions and schools may permit advertising on specifically designated bulletin boards and other designated locations on campus. Affiliated groups, organizations and individuals may place advertising materials on campus property but only in such places as are designated by the institution or school.
- (b) Institutions and schools may authorize the inclusion of advertisements in appropriate campus publications for a reasonable fee.
- (c) Institutions and schools may permit limited advertising by groups, organizations or individuals when incidental to a donation of property or services to the institution or school, or pursuant to a contract with the institution or school.

Authority: T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed August 28, 1984; effective November 13, 1984. Amendment filed July 29, 1988; effective October 29, 1988. Amendment filed June 1, 1990; effective September 26, 1990. Amendment filed August 11, 2004; effective December 29, 2004.

0240-1-1-.05 MISCELLANEOUS.

(1) Bulletin Boards

- (a) Bulletin boards may be designated for use by specific groups, organizations or individuals. Those groups, organizations or individuals authorized to use a bulletin board, the types of materials which may be posted on a board, the maximum size and duration of any notice, and any other special conditions on use shall be conspicuously posted on each board, and shall control the use of the board when posted.
 - (b) Each institution and school may require prior approval for the use of any or all bulletin boards on campus, and if required, the name of the official authorized to approve use of the board shall be posted on the board. Use of a board may be denied on the basis of one or more of the following: 1) the person or group is not authorized to use the board in question; 2) the material is not the type authorized for the board in question, or fails to meet any special conditions as posted on the board; 3) the material is obscene or otherwise violates any federal or state law or regulations of the institution or school; or 4) there is insufficient space available for the material on the board in question due to the previous posting of other materials.
- (2) The office of the official at each institution and school who is responsible for receiving and processing applications and registration pursuant to this policy shall maintain a copy of the policy for inspection by groups, organizations, and individuals interested in the use of campus property and/or facilities and shall provide a copy of such policy upon request and payment of a reasonable charge.

(Rule 0240-1-1-.05, continued)

- (3) Exceptions to this policy can be made upon approval of the Chancellor of the Tennessee Board of Regents.

Authority: T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed August 28, 1984; effective November 13, 1984. Amendment filed June 1, 1990; effective September 26, 1990.

0240-1-1-.06 DISABLED/HANDICAPPED PARKING VIOLATIONS.

The fine for disabled/handicapped parking violations is established by State law and will increase as needed to remain in compliance with State law. This rule supersedes all rules or notices regarding fines for disabled/handicapped parking violations at any TBR institution.

Authority: T.C.A. § 49-8-203. **Administrative History:** Public necessity rule filed October 29, 2008; effective through April 12, 2009.